

PugetSoundPartnership

our sound, our community, our chance

Legislative Update

March 9, 2010

Less than three days remain in the regular legislative session, which must end by midnight Thursday, March 11th. Since my last update the Senate has unveiled its Capital Budget proposal and passed it out of committee; the House has passed the Operating Budget and sent it back to the Senate; and the Senate and House have passed their tax plans. Neither body has passed a Capital Budget, and there remains a vast difference on Operating Budget proposals and potential revenue packages.

In my last update, we highlighted the Senate Operating Budget and the House Capital Budget—which has zero dollars allocated for Puget Sound projects. In this update I will summarize the recently unveiled Senate Capital Budget, which contains approximately \$113 million in new funding for new projects that clean up Puget Sound!

We appreciate the hard work of so many champions working side by side to achieve our common goal of protecting and restoring Puget Sound.

SENATE CAPITAL BUDGET

On Friday the Senate proposed Capital Budget was unveiled and at no public hearing was scheduled—it was simply voted out of committee. Funding includes \$6.5 million in bonds and \$108 million from other funds—including \$42.5 million from a new storm water account that depends on the passage of legislation that increases the Hazardous Substance Account. Some highlights of the \$113 million appropriate for Puget Sound restoration work includes:

- \$1.65M to complete the Potlatch Wastewater Treatment Plant in Mason County;
- \$2.8M for Carpenter Creek estuary restoration in Kitsap County;
- \$26M for Asarco Cleanup at the Port of Everett and Port of Tacoma;
- \$15M for Maury Island Property Acquisition;
- \$1.1M for Riparian Easement Program; and
- \$42.5M for storm water retrofit and low impact development projects throughout the Sound.
- \$24M for Toxics Clean-up projects.

We are working hard to maintain this level of funding by advocating for the House Capital Budget to reflect the proposed Senate Capital Budget.

COALITION PASSES LEGISLATION TO PROTECT PUGET SOUND

Five bills ranging from tackling toxic copper on roadways to reducing urban sprawl have successfully passed the 2010 Legislature and advance our common goal to restore the health of Puget Sound:

Our agency request legislation to improve water quality by **reducing the amount of copper in brake pads** is on its way to the Governor's desk with strong bipartisan support. Once signed by the Governor, Washington will have enacted model legislation for the rest of the nation to reduce toxins currently flowing into our streams, lakes, rivers and marine environments. Senate Bill 6557 passed the Senate, 39-8, and the House, 86-12. The Senate concurred with improvements made to the bill in the opposite chamber with a vote of 40-6. This has been a very time consuming and collaborative effort, working with a variety of stakeholders including—domestic and international automobile manufactures, brake pad manufactures, trucking industry, retailers, environmental community, NOAA and many others.

The successful passage of Senate Bill 6350 will establish and incorporate **marine spatial planning** in Puget Sound, the Columbia and coastal waters of Washington State. Senate Bill 6350 is also model legislation for the rest of the country. In addition to improving the management and utilization of marine resources, the passage of this legislation puts Washington in prime position to receive significant federal funding to implement this approach. The Obama Administration recognizes the connection of ocean health and a healthy economy, and is advancing marine spatial planning as part of national ocean policy. \$20 million in federal funding has been allocated toward this effort. Washington's proactive approach to incorporate this tool as a resource for decision-making in marine environments will make our estuary restoration work highly competitive for these funds. Rhode Island and Maryland are the only other states considering similar legislation. Senate Bill 6350 passed the Senate, 44-2, and the House, 64-34. However, the Senate did not concur with an amendment made in the opposite chamber and this afternoon the House ended up passing the bill without the amendment, 63-30.

Legislation to protect the Puget Sound from **derelict fishing and shellfish equipment** passed the House with unanimous support and the Senate, 42-3, with amendments. The House concurred with the amendments and passed the bill 63-31. House Bill 2593 extends the scope of the coastal commercial Dungeness crab pot removal permit into Puget Sound and increases enforcement provisions against the use of unlawful shellfish pots.

House Bill 2538, **regarding high-density urban development**, authorizes certain planning jurisdictions under the Growth Management Act to include compact development in their comprehensive plans and requires the development of an environmental impact statement for any compact development plan. It also promotes the establishment of a transfer of development rights program for planning jurisdictions that include compact development in their comprehensive plans and provides funding incentives. House Bill 2538 passed the House, 90-5, and the Senate with unanimous support.

Legislation to **clarify the integration of shoreline management act policies with the growth management act** (GMA) successfully passed the legislature. The bill was originally introduced in 2009. This year, a broad coalition worked together to pass the bill out of the House of Representatives, 58-39, and the Senate, 35-10. House Bill 1653 establishes new provisions in the GMA pertaining to the regulation and protection of critical areas that are located within shorelines of the state. It requires Shoreline Master Programs provide a level of protection to critical areas within shorelines of the state that assures *no net loss of shoreline ecological functions* necessary to sustain shoreline natural resources.

UNFINISHED BUSINESS

March 5th was the last day to consider legislation from the opposite chamber of government, unless the legislation is necessary to implement the budget. The following bills are still alive and must be enacted by this Thursday—the last day allowed for regular session in accordance with the State Constitution.

This evening the Senate Ways and Means Committee advanced Senate Bill 6851 to the Rules committee. The companion legislation, House Bill 3181, is eligible for floor action in the House of Representatives. These bills are referred to as the **“Clean Water Act of 2010”** and would increase the tax on hazardous substances to fund water pollution programs. The current tax was enacted in 1987 by a citizen’s initiative commonly known as the Model Toxics Control Act (MTCA), which has funded millions of dollars in toxic site cleanups over the past 20 years. The rate of the tax has never been increased. The new revenue would fund stormwater projects, oil spill prevention, Puget Sound recovery and environmental protection in transportation projects. The Puget Sound Partnership and Department of Ecology are joining a coalition of cities, counties, environmental and labor organizations to advance this legislation.

Senate Bill 6520, regarding the **William D. Ruckelshaus Center**, passed the Senate 45-0 and until yesterday, was in the House Rules Committee. Despite not advancing before established cut-off dates, our director was able to advance the bill to the House floor to be eligible for final passage. This important legislation would grant another year for the Center to examine and seek to resolve conflicts between agricultural activities and critical areas ordinances (CAO) adopted under the Growth Management Act. The bill would extend a provision that temporarily prohibits counties and cities from amending or adopting CAOs as they specifically apply to agricultural activities by one year to July 1, 2011.

ON THE HOMESTRETCH

There are 3-days left until the legislature adjourns sine die will continue to be intense and long. Budgets are actively being worked on and funding packages are being negotiated—and hopefully finalized. However, many are making bets on when a special session.

We will continue to do our best to keep you informed. If you have any questions, please call or email me any time: 360/628-1907 and Michael.grayum@psp.wa.gov

Respectfully,
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